

1 ELIZABETH DAY (SBN 177125)
eday@feinday.com
2 IAN N. FEINBERG (SBN 88234)
ifeinberg@feinday.com
3 DAVID ALBERTI (SBM 220625)
dalberti@feinday.com
4 SAL LIM (SBM 211836)
slim@feinday.com
5 YAKOV ZOLOTOREV (SBM 224260)
yzolotorev@feinday.com
6 MARC BELLOLI (SBN 244290)
mbelloli@feinday.com
7 **FEINBERG DAY ALBERTI &**
THOMPSON LLP
8 401 Florence Street, Suite 200
Palo Alto, CA 94301
9 Tel: 650.618.4360
Fax: 650.618.4368

10
11 Attorneys for Plaintiff
PRAGMATUS TELECOM, LLC

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PRAGMATUS TELECOM, LLC,
Plaintiff,
v.
TREND MICRO INCORPORATED,
Defendant.

CASE NO. 12-06195 EMC
JOINT STIPULATION

Pragmatus Telecom, LLC (“Pragmatus”) and Trend Micro Incorporated (“Trend Micro”), hereby agree and stipulate as follows:

1. Pragmatus has brought the above-captioned patent infringement action (the “Action”) accusing Trend Micro of infringing three patents identified in the Complaint by providing live chat services over the Internet (referred to herein as the “Live Chat Services”).

2. Trend Micro represents that any Live Chat Services it has used in the United States during the six years prior to the filing of the Complaint and subsequent to the filing of the Complaint have been provided by LogMeIn Inc. and LivePerson Inc.

3. On November 21, 2012, LogMeIn filed a declaratory judgment action against Pragmatus, captioned *LogMeIn Inc. v. Pragmatus Telecom, LLC* (No. 1:12-cv-01507-RGA) (the “LogMeIn Declaratory Judgment Action”), which was pending before the District of Delaware, and in which LogMeIn seeks judgments of (1) non-infringement of the patents-in-suit by LogMeIn technology, and (2) invalidity of the patent-in-suit.

4. On February 7, 2012, LivePerson filed a declaratory judgment action against Pragmatus, captioned *Liveperson, Inc. v. Pragmatus Telecom, LLC* (No. 1:12-cv-00147-RGA) (“LivePerson Declaratory Judgment Action”), which is pending before the District of Delaware, and in which LivePerson seeks judgment of (1) non-infringement of the patents-in-suit by LivePerson technology, and (2) invalidity of the patent-in-suit .

5. Pragmatus and Trend Micro stipulated and agreed and the Court ordered that this Action shall be stayed until at least April 26, 2013 in order to permit sufficient time for the LogMeIn Declaratory Judgment Action to resolve and for the parties to resolve any other remaining issues.

6. The LogMeIn Declaratory Judgment Action has since resolved.

7. Furthermore, the parties stipulate and agree, subject to the approval of the Court that this Action shall be further stayed until the resolution of the LivePerson Declaratory Judgment Action.

8. In light of the foregoing, Pragmatus and Trend Micro do not believe that ADR needs to be selected at this time.

1
2 FEINBERG DAY ALBERTI & THOMPSON LLP
3

4 Dated: May 16, 2013
5

6 By /s/ Marc Belloli
7

8 Elizabeth Day
9 Ian Feinberg
10 David Alberti
11 Sal Lim
12 Yakov Zolotorev
13 Marc Belloli
14

15 Attorneys for Plaintiff
16 PRAGMATUS TELECOM, LLC
17

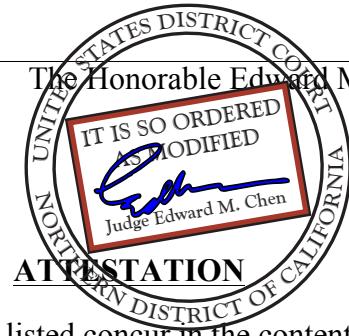
18 McDERMOTT WILL & EMERY LLP
19

20 By /s/ D. Stuart Bartow
21
22 Yar R. Chaikovsky
23 D. Stuart Bartow
24

25 Attorneys for Defendant
26 TREND MICRO INCORPORATED
27

28 **SO ORDERED**, this 23rd day of May, 2013.

1 A CMC has already been scheduled for 9/24/13 at 2:30 p.m. A joint CMC Statement shall
2 be filed by 9/17/13.
3



4 I hereby attest that all other signatories listed concur in the content and have authorized this filing.
5

6 By: /s/ Marc Belloli
7 Marc Belloli
8